European Union

SEA profile

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Contact & history

Country contact on SEA

The Environment Directorate-General of the European Commission is the responsible authority for SEA in the European Union. It can be contacted via the contact form on its website, or via its postal address:

European Commission

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Country's planning system

Member states of the European Union have their own planning systems. There is however some cooperation for harmonizing planning strategies across the EU. Important events and documents in this respect are:

- Europe 2000 (1991) and Europe 2000+ (1994): Cooperation for European territorial development;
- The Committee on Spatial Development (established 1991);
- The European Spatial Development Perspective (1991);
- Directives (especially on environmental matters), policy (on matters with a spatial dimension), policy formulation/implementation.

The figure below summarizes the influence of the European Union on planning in its member states.

History of SEA

In 2001, Directive 2001/42/EC came into force, which is the EU's current SEA Directive. The Directive had to be transposed in national legislation by 2004 by each of the member states, but in practice it took longer for most countries.

Some EU member states however already executed SEAs before it was legally mandatory according to the SEA Directive. Examples are Denmark, the Netherlands, Sweden and Finland.

Legal framework for SEA

Framework/Enabling law

The Planning and Development Act 2000 required that when Regional Planning Guidelines, Development Plans, Local Area Plans or Strategic Development Zone (SDZ) planning schemes are being made by the relevant authority, they must be accompanied by information about the likely significant effects on the environment of implementing such plans. This can be considered an enabling law for SEA.

Approving authority of enabling law

European Communities

First national detailed SEA regulation

The EU's first Strategic Environmental Assessment Directive is Directive 2001/42/EC, which is still in force.

Approving authority of first detailed SEA regulation

European Parliament and the Council of the European Union

Sector specific procedures/regulations

For some sectors, regulations have been amended in order to include provisions from the SEA Directive. For example, the Planning and Development (Strategic Environmental Assessment) Regulations 2004 give effect to the SEA Directive with respect to land use planning. They integrate SEA in current plan-making procedures and prescribe SEA for all Regional Planning Guidelines, Development Plans, Local Area Plans, Planning Schemes for Strategic Development Zones, etcetera.

Guidelines

The guidance document Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment has been prepared by the EU DG Environment in order to help member states get a 'clear understanding of the Directive's requirements, so that it is implemented consistently throughout the EU'.

In 2013, the DG Environment also provided Guidance on Integrating Climate Change and Biodiversity into Strategic Environmental Assessment.

Objective SEA

According to the SEA Directive, the objective of SEA is:

... to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development.

Scope of SEA application

The EU SEA Directive applies to plans and programmes (including those that are co-financed by the European Community). Plans and programmes to which the Directive refers must be prepared or adopted by a competent authority (at national/regional/local level) and be required by legislative/regulatory/administrative provisions.

As the individual member states tend to have different ways of defining and categorizing policies, plans and programmes, these terms are further explained in the Guidance document regarding the implementation of the SEA Directive.

Exemptions from SEA application

Two categories of plans and programmes are not subject to the EU SEA Directive:

- those that have the sole purpose of serving national defence or civil emergency;
- financial or budget plans/programmes.

SEA approach

The EU's SEA approach has been developed separately from its EIA approach, but there are interlinkages between the two.

SEA tiering with EIA

There is some degree of integration between SEA and EIA according to EU legislation. For example, in EIA procedures parties are obliged to take into account the results of other assessments including SEAs in order to avoid duplication of assessments. A study titled The Relationship between the EIA and SEA Directives of the European Commission concluded that there are currently various areas of potential overlap between the Directives, creating confusion on the application of either or both of them. Member states adopt different approaches to solve such issues, either by prescribing parallel SEA and EIA procedures or by establishing joint procedures in which EIA as well as SEA requirements are met.

The EU SEA and EIA procedures are very similar. There are however some differences in the procedures, of which the main ones are:

- For SEA, environmental authorities are required to be consulted at the screening stage;
- Scoping is obligatory for SEA

Institutional setting for SEA

Central SEA authority

There is no central SEA authority at the EU level; each member state is supposed to decide on its own specific configuration of SEA legislation and authority.

Mandate for exemption of SEA obligation

Member states can decide to exempt plans or programmes of SEA obligation if they concern 'small areas

at local level and minor modifications to plans and programmes' and if they are not expected to have significant environmental effects.

(De)centralisation of SEA mandates

Decision-making on SEA takes place at the national level. The European Commission only issues Directives that require member states to integrate their provisions in existing and new national procedures.

Initiator of the SEA

Member states decide on who should initiate an SEA.

SEA procedure

Establishing context

Overview SEA procedure

SEA should be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.

The SEA procedure as prescribed by the Directive can be summarized as follows:

- Production of environmental report including likely effects and reasonable alternatives of the plan/programme;
- Information and consultation of public and environmental authorities (and other member states, in case of transboundary effects) on draft plan/programme and environmental report.

Screening requirement and authority

The SEA Directive does not contain a list of plans/programmes to which SEA should be applied, as the EIA Directive does for projects. Article 3.2, however, defines that SEA is mandatory for the following programmes/plans:

- plans/programmes which are prepared for specific sectors (agriculture, forestry, fisheries, energy, industry, transport, waste management, telecommunication, tourism, town and country planning or land use) and which set the framework for future development consent of projects listed in the EIA Directive.
- plans/programmes that need an assessment in the sense of the Habitats Directive

Article 3.3 of the SEA Directive provides for an exception of these provisions. It promulgates that, if the above mentioned plans/programmes determine the use of small areas at local level or if there are minor modifications to the above mentioned plans/programmes, member states shall conduct a screening based on the likely environmental effects of the plan/programme. If these effects are expected to be significant, an SEA shall be required.

Furthermore, Article 3.4 determines that the member states shall determine whether other plans/programmes than the ones mentioned above do have likely significant environmental effects.

Screening process

Member states should establish a screening procedure to determine whether or not certain plans/programmes are likely to have significant environmental effects an thus are subject to SEA. This procedure can be based on either a case-by-case examination or on a specification of types of plans/programmes - or a combination of the two. In any case, relevant criteria from Annex II of the Directive should be taken into account. These include criteria concerning plan/programme characteristics (e.g. its effects on other plans/programmes and its relevance for integration of environmental considerations) and criteria concerning effects of the plan/programme and the area likely to be affected (e.g. duration, frequency, cumulative and transboundary nature of the effects and vulnerability of the affected area).

Timeline Screening

No timeline for screening is specified in the SEA Directive.

Identification of stakeholders

Identification of stakeholders is not specified in the SEA Directive, apart from the provision that the public likely to be affected or with an interest in the decision (including NGOs) as well as environmental authorities should be consulted.

For plans/programmes likely to have environmental effects in another member state, this state must be consulted as part of the SEA procedure. In this respect, the SEA Directive follows provisions from the SEA Protocol to the UN ECE Convention on Environmental Impact Assessment in a Transboundary Context.

Setting SEA objectives

It is not clear whether a discussion on SEA objectives exists at the EU level. The Report on the Application and Effectiveness of the Directive on Strategic Environmental Assessment (Directive 2001/42/EC) however reports experiences from member states on the effects of the SEA Directive and the extent to which it achieves its objectives. It mentions that SEAs often change the content of plans/programmes - mostly funding objectives, schemes or criteria, but in some larger cases also the substance of plans. Member states moreover reported that plan/programme contents are gradually being modified as a consequence of the iterative SEA process alongside plan/programme preparation. Mitigation measures become less necessary as environmental considerations are more often taken into account in an early stage. Lastly, member states indicated that SEA contributed to improved organisation of planning procedures themselves, and specifically to increased transparency of such procedures.

Implementing the SEA

Scoping process

For SEA, scoping is mandatory under the EU SEA Directive - contrary to EIA, where scoping is not mandatory. The SEA Directive states that member states shall designate authorities which need to be consulted on the scope and level of detail of the information to be included in the SEA.

Participation in scoping

A consultation of environmental authorities is required in the scoping stage.

Outcome of scoping

The SEA Directive does not include provisions on the outcomes of the scoping process.

Baseline data

The SEA Directive does not include specific requirements for data collection. It implies, however, that baseline data is collected, because it stipulates that the SEA report should include, among others, 'relevant aspects of the current state of the environment'.

Alternatives

The SEA Directive dictates that 'reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated'. An SEA report should also describe reasons for selecting the alternatives which were assessed, as well as the assessment procedure.

The SEA Directive makes no distinction between assessment requirements for the drafted plan/programme and for the alternatives. Essentially this means that the requirements mentioned in Article 5(2) on scope and detail of the assessment and the information to be provided according to Annex 1 apply to all assessed alternatives.

Assessment/mitigation of effects

No specific methods regarding the assessment and mitigation of environmental impacts are included in the SEA Directive. It only states that an SEA report should include information on:

- Likely significant effects on the environment, including issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage and landscape;
- Measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.

Institutional analysis

The SEA Directive does not mention institutional setting as a specific point of attention for SEA.

Content of SEA report

The information to be provided in an SEA report includes:

- the plan/programme's contents, objectives, and relationships with other plans/programmes;
- the current state of the environment and its likely evolution without implementation of the plan/programme;
- environmental characteristics of areas likely to be affected;
- existing environmental problems relevant to the plan/programme;

- description of how certain environmental protection objectives (which are relevant to the plan/programme) have been taken into account;
- likely significant effects on the environment, including on biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- measures envisaged to prevent/reduce/offset adverse environmental effects of the plan/programme;
- selection and assessment of alternatives (including description of problems such as a lack of information);
- planned monitoring measures;
- a non-technical summary of this information.

SEA review

The EU SEA Directive does not elaborate on SEA review. It only states that member states should ensure that SEA reports are of sufficient quality and that they should communicate to the European Commission any measures they take to guarantee that quality.

In its SEA Guidance document, the European Commission suggests that many measures that are already used in EIA practice may be adequate for application to SEA as well, such as review panels or government commissions that advise on the quality of environmental reports.

Participation in review

The SEA Directive states that the draft plan/programme and the SEA report should be made available to environmental authorities and the public. They need to have the opportunity to express their opinion on both, before adoption of the plan/programme or submission to the legislative procedure. Specific configurations of this participation should be determined by member states.

Timeline review

The SEA Directive does not specify a timeline for SEA review.

Informing and influencing decision-making

SEA and planning decision-making

The SEA Directive does not specify whether SEA approval is necessary before a decision is made - only that the SEA needs to be taken into account in decision-making.

Recommendations for decision-making

The SEA report (as well as opinions gathered from environmental authorities and the public and results from transboundary consultations) has to be taken into account during the plan/programme's preparation and before its adoption or submission to the legislative procedure.

Justification of decision

Member states are obliged to inform environmental authorities, the public and any consulted member states about their decision. The content thereof as defined in Article 9 contains the following elements of justification:

- how environmental considerations have been integrated in the plan/programme;
- how the SEA report (including opinions expressed by environmental authorities, the public, and consulted member states) has been taken into account; and
- the reasons for choosing the current plan/programme and not one of the alternatives.

Monitoring

Monitoring requirement

The SEA Directive obliges member states to monitor environmental effects of plans/programmes in order to identify unforeseen effects and undertake remedial action. It does not specify how or when monitoring should be undertaken. It does state that existing monitoring arrangements can be used if appropriate.

Evaluation requirement

The SEA Directive does not mention evaluation of SEA as a mandatory practice for member states. The SEA Guidelines however indicate that monitoring arrangements should logically also include evaluation of environmental information.

The Directive also mentions that member states and the European Commission should exchange information on experiences gained in application of the Directive. The European Commission is responsible for sending out reports on the application and effectiveness of the Directive every seven years - if necessary accompanied by proposals for amendment of the Directive. The first evaluation study was published in 2009.

SEA practice

Year of first SEA

The SEA Directive evaluation study reports that, although all member states had to transpose the measures from the Directive into national regulations by 2004, still only a minority had done so by 2008. For member states that did not comply, non-conformity procedures were started. Today, all EU member states implement the Directive.

Some member states, including Denmark, the Netherlands, Sweden and Finland, already executed SEA in practice before the EU SEA Directive was implemented.

Annual no. of SEAs

The annual number of SEAs differs highly between member states. Numbers are high in Finland (1500), the UK (400-500) and France (400), but low in Malta (1), Portugal (2) and Luxembourg (3). In some member states, such as Austria which is federally organized, the annual number of SEA procedures even varies highly between provinces.

At least nine member states do not keep statistics of the number of SEAs conducted. It is therefore

difficult to estimate the total annual number of SEAs undertaken in the EU.

Central SEA database

There is no central SEA database at EU level, but member states may have their own databases.

Practice reviews

No information is available on the total number of reviews in the EU. Member states have their own review practices and are free to establish their own procedures to ensure SEA quality. In Spain, for example, publication of an environmental review ('memoria ambiental') in the Official Gazette is obligatory. In Portugal, an annual procedure is established to review the quality of environmental reports. The SEA Directive evaluation report however concluded in 2009 that in many member states quality assurance of SEA is still underdeveloped.

Case studies

Case studies on SEA in the EU can be found on individual member states' country profiles.

Professional bodies

There is no professional SEA body at the EU level. Member states establish national professional bodies. There is a list of EIA/SEA centres in EU member states.

Capacity development

The DG Environment of the European Commission has organized several workshops on environmental assessment since 1990. One of them, known as the Potsdam Meeting or the 4th European Workshop on Environmental Impact Assessment, had the title 'Strategic Environmental Assessment in Europe'. Such workshops build capacity by sharing of experiences, but do not include training at the European level. In fact, during the before mentioned workshop it was discussed that the EU is not an appropriate level for (uniform) training, due to large differences in SEA procedures between member states.

Non-governmental SEA guidance

Various member states have their own non-govermental EIA guidance documents.

SEA links

Links to laws/regulation

- The current EU SEA Directive: Directive 2001/42/EC;
- The Habitats Directive;
- The SEA Protocol to the UN ECE Convention on Environmental Impact Assessment in a Transboundary Context.

Other relevant links on SEA

The EU's SEA website contains links to various reference, guidance and research documents on SEA. It also contains a large number of documents on member states' SEA strategies and experiences.